

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

MAURICE SEARS,

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Plaintiff

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vs.

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Case No. 5:11-cv-01711-AKK-HGD

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SHERIFF STEVE CRABB, et al.,

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Defendants

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MEMORANDUM OPINION

The magistrate judge filed a report and recommendation on November 16, 2011, recommending that the defendants' motion for summary judgment be granted and this cause be dismissed with prejudice. (Doc 14). Plaintiff filed objections on December 2, 2011. (Doc. 15).

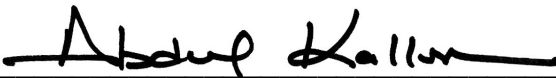
The magistrate judge recommended the dismissal of plaintiff's complaint because plaintiff complained of an act which occurred in 2000-2001, while then incarcerated in the Morgan County Jail. Plaintiff filed his complaint on May 24, 2011, which is clearly more than two years after the 2000-2001 acts that form the basis of plaintiff's complaint. In objecting to the report and recommendation, the plaintiff argues that he did not become aware of the effects of the asbestos and

chemicals in the drinking water until his “injuries were detected between August 2008 and August 2009.” (Doc.15). However, in his original complaint, the plaintiff stated that he complained of the conditions of the jail and his medical condition. The plaintiff also says that he made his medical condition known to the jail administrator. (Doc. 13). Even in claiming that he has only recently discovered the injury, the plaintiff does not provide any information about the nature of his illness, who diagnosed it and exactly when it was diagnosed. The plaintiff provides extensive support for his argument that the statute of limitations should not have started to run until he was diagnosed, but he does not provide any information to show that he was diagnosed with anything that was specifically caused by the conditions of the Morgan County Jail and, if he has been, when he was diagnosed. The failure to plead this information is fatal to his claims.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the objections filed by the plaintiff, the court is of the opinion that the magistrate judge’s report is due to be and is hereby ADOPTED and his recommendation is ACCEPTED. The court EXPRESSLY FINDS that there are no genuine issues of material fact and that the defendants are entitled to judgment as a matter of law. Accordingly, defendants’ motion for summary

judgment is due to be GRANTED and this action is due to be DISMISSED WITH PREJUDICE. A Final Judgment will be entered.

Done the 27th day of December, 2011.



ABDUL K. KALLON
UNITED STATES DISTRICT JUDGE